IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO: 2881 of 2003

Between:

1 Dalitha Municipal Sanitory L.C.C.S., ltd., Urus, Warangal District,
Rep. by is Person-in-charge, M. Sudhakar S/o Cheralu

...PETITIONER

AND

1 The Chairman, A.P. Co-operative Tribunal, at Hyderabad
2 Deputy Registrar of Co-operative Societies, Warangal
3 Kodakondla Sadanandam, S/o Sammaiah, aged Major,
R/o 1-8-327, Urus, Warangal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned Judgment in C.T.A. No. 4/2003 dt. 5-2-2003 of the 1st respondent as arbitrary, illegal, without application of mind and unconstitutional and grant such other necessary relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RATNAM

Counsel for Respondent No.2: The G.P for Cooperation
Counsel for the Respondent No 3: MR.BANKATLAL MANDHANI
Counsel for Respondent No.1: None appeared

The Court made the following Order:

ORDER:

Heard both sides.

2. The petitioner herein, a Society represented through it's person-in-charge, seeks to assail the orders in C.T.A.No.4/2003 dated 05-02-2003 passed by the first respondent herein, allowing the appeal at the instance of the third respondent herein, against the orders dated 20-12-2002 appointing Three-member Committee in pursuance of the powers under Section 34 of the A.P. Co-operative Societies Act, 1964(for short "The Act").

3. The case of the petitioner is that admittedly notice was given, but yet the lower Court ought not to have interfered with the said proceedings. After considering the submissions made and perusal of the material on record, it is seen that the notice alleged to have been given is only to the President, but not to whole members. Therefore, the lower Court taking into consideration the mandate as contemplated under Section 34 of the Act and having found that no such notice was given to other members of the managing committee, allowed the said appeal by setting aside the proceedings of the Deputy Registrar of Co-operative Societies dated 20-12-2002.

4. Having regard to the same, I do not find any error in the order passed by the appellate authority. Hence, I do not see any reason to interfere with the same.

The Writ Petition is accordingly dismissed. No costs.

(B. PRAKASH RAO, J)

August 3, 2004

MRR/DSK

Copy to:

1 The Chairman, A.P. Co-operative Tribunal, at Hyderabad.
2 Deputy Registrar of Co-operative Societies, Warangal.

3 Two C.D. Copies.